

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION See paragraph 2 below

International application No.
PCT/GB2004/003041

International filing date (day/month/year)
13.07.2004

Priority date (day/month/year)
14.07.2003

International Patent Classification (IPC) or both national classification and IPC
G05D23/19, A61L9/03

Applicant
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1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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IAP20 Rec'd PCT/PTO 11 JAN 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-40
	No: Claims	
Inventive step (IS)	Yes: Claims	1-40
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-40
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. The following documents are referred to in this communication:

D1: US 2002/079365 A1 (MCCLELLAND PAUL H ET AL) 27 June 2002 (2002-06-27)

2. Industrial applicability :

The invention deals with a power management system, a method of providing power, a system and method for monitoring parameters, computer program elements and a computer readable memory. Its industrial applicability is obvious.

3. Independent claim 1 :

3.a Document D1, which is considered to represent the most relevant state of the art, discloses a system from which the subject-matter of independent claim 1 differs in that in claim 1, an initial pulse delivered to the heater means has a first portion and a second portion, the first portion having more energy than the second portion so that a predetermined temperature of the heater means is attained by delivery of the first portion and the temperature is substantially maintained by delivery of the second portion.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

3.b The problem to be solved by the present invention may be regarded as to provide a power management system that controls the amount of power to be delivered to a heater means, to disperse a chemical vapour in controlled amounts.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: This problem is not known from the prior art at hand. Moreover, neither D1, nor the other cited documents disclose or suggest such an initial pulse. Therefore, the combination of features set out in claim 1 is not obvious for the skilled person. As a consequence, the subject-matter of claim 1 is considered as involving an inventive step (Article 33(3) PCT).

4. Dependent claims 2-16 :

Claims 2-16 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

5. Independent Claim 17:

The independent method claim 17 is equivalent to the independent system claim 1. Therefore, the subject-matter of claim 17 is also new and inventive.

6. Dependent claims 18-23:

Claims 18-23 are dependent on claim 17 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

7. Independent claim 24:

7.a Document D1, which is considered to represent the most relevant state of the art, discloses a system from which the subject-matter of independent claim 24 differs in that in claim 24, an initial pulse delivered to the heater means has a first portion and a second portion, the first portion having more energy than the second portion so that a predetermined temperature of the heater means is attained by delivery of the first portion and the temperature is substantially maintained by delivery of the second portion.

The subject-matter of claim 24 is therefore novel (Article 33(2) PCT).

7.b A similar reasoning as in point 3.b leads to the conclusion that the subject-matter of claim 24 also involves an inventive step (Article 33(3) PCT).

8. Dependent claims 25-36:

Claims 25-36 are dependent on claim 24 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

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9. Independent claims 37-40:

The independent method claim 37, the independent apparatus claim 39 and the independent program element claims 38 and 40 are equivalent to the independent system claim 24. Therefore, the subject-matter of claims 37-40 is also new and inventive.